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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,256	06/06/2001	Hiromu Mukai	54024-036	5952

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McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005

EXAMINER
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TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/874,256

Applicant(s)

MUKAI ET AL.

Examiner

Nhan T. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new grounds of rejection.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites the limitation "said input section" and "said operation inputs" in line 3 of the claim. There are insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4 & 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Ray (US 6,192,257).

Regarding claim 1, Ray discloses a portable terminal (mobile video phone 500 shown in Figs. 5A & 5B) for transmitting and receiving information comprising: a main body (501); an image pickup unit (511) having an optical system and an image pickup element (CCD inside 511), for picking up an image of a subject, and a pivot mechanism (514) for supporting said image pickup unit, said image pickup unit being allowed to freely pivot centered on at least two axes with respect to said main body (see Figs. 5A & 5B; col. 9, line 35 – col. 10, line 10).

Regarding claim 4, it is clearly seen in Figs. 5A & 5B and col. 10, lines 5-8 that the image pickup unit is directed to a front face and a rear face of the main body.

Regarding claim 6 (*this claim is rejected based on best understood in view of 112, second paragraph rejection in section 3 above*), Ray further discloses a switching section for switching operation modes (when the camera is attached to the display module 505) for allowing [said] input section to receive [said] operation inputs (keys on the phone) with respect to the image pickup unit and a communication mode (when the camera is detached from the display module 505) for allowing said input section to receive an operation input related to information communication (i.e., internet access). See col. 10, lines 8-10.

5. Claims 1-5, 7 & 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishimura et al (US 6,734,914).

Regarding claim 1, Nishimura discloses a portable terminal (an electronic camera; Fig. 8B) for transmitting and receiving information (Figs. 2 & 5-8B; col. 4, lines 41-62 and col. 6, lines 40-52, wherein transmitting and receiving information is established among internal components for receiving and transmitting information to control movement of an image pickup unit 5) comprising:

a main body (Fig. 8B);

an image pickup unit (5) having an optical system (lens 3) and an image pickup element (image sensor 4) for picking up an image of an object (Figs. 2-8B; col. 4, lines 25-30);

a pivot mechanism (1, 2, 21, 22 and structural frame shown in Figs. 2, 9 & 10) for supporting the image pickup unit, the image pickup unit being allowed to pivot centered on at

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least two axes with respect to the main body (col. 4, lines 30-40; col. 5, lines 8-53; col. 8, lines 20-50).

Regarding claim 2, it is clear that the image pickup unit (image sensor 4) is non-detachably housed in the main body (see Fig. 8B).

Regarding claim 3, Nishimura further discloses a driving section (direction controller 12) for allowing image pickup to pivot centered on at least two axes (Figs. 2, 5-8A); an input section (see Figs. 2-8A for any input section connected to the controller 12) for receiving inputs of at least two parameters (i.e., parameters for driving the image pickup in at least X and Y axes) as operation units of a pivotal operation of the image pickup unit (see col. 5, lines 8-67; col. 6, lines 40-52; col. 7, line 25 – col. 8, line 16).

Regarding claim 4, it is shown in Fig. 8B that the image pickup unit is directed to a front face side and a rear face side of the main body.

Regarding claim 5, it is clear that the image pickup unit is allowed to pivot centered on an axis parallel to a light axis of the optical system by the pivot mechanism (see Figs. 1-10).

Regarding claim 7, Nishimura clearly discloses that a pair of image pickup units and a pair of pivot mechanism are installed (see Fig. 7; col. 7, lines 25-56).

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Regarding claim 8, also disclosed by Nishimura is a section for detecting a position of a specific object in the image (at image recognition unit 14); and a section for controlling the driving section so as to place the specific subject virtually in a center of the image (see Figs. 5 & 7; col. 6, lines 40-57).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura et al (US 6,734,914) in view of Ueyama (US 6,078,440).

Regarding claim 9, Nishimura discloses that the input section comprises a section (direction sensor 6; Fig. 2) for detecting an amount of rotation of the image pickup unit 5 (col. 4, lines 59-63). Nishimura does not specifically disclose in details that the input section comprises a disc-shaped rotation member that is rotatively driven; a section for detecting an amount of rotation of said rotation member; a section for detecting a force in a first direction given to said rotation member; and a section for detecting a force in a second direction given to said rotation member, wherein two parameters included in said at least two parameters are inputted as said

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amount of rotation detected together with a detection of said force in said first direction and as said amount of rotation detected together with a detection of said force in said second direction.

However, as taught by Ueyama, it is well known in the art that direction sensor comprises a disc-shaped rotation member (Fig. 3) that rotative driven; a section for detecting an amount of rotation (27a, 27b) of the rotation member, a section (27a) for detecting a force in a first direction given to the rotation member (note that 27a is inherently used to detect a force in a first direction by virtue of detecting an amount of rotation since the rotation is caused by an applied force), a section (27b) for detecting a force in a second direction given to the rotation member (note that 27b is inherently used to detect a force in a second direction by virtue of detecting an amount of rotation since the rotation is caused by an applied force); wherein two parameters included in the at least two parameters are inputted as the amount of rotation detected together with the inherent detection of force in the first and second directions. See Ueyama, col. 4, lines 42-57.

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Nishimura and Ueyama to construct the direction sensor as an input section having all necessary components taught by Ueyama for detecting directional movement information of a spherical rotary image pickup unit and inputting the detected information to the controller (12) in a conventional design of a direction sensor.

### *Conclusion*



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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.



DAVID L. OMETZ  
PRIMARY EXAMINER